



December 23, 2025

Hon. James Donato  
United States District Court  
Northern District of California  
San Francisco Courthouse, Courtroom 11, 19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

RE: *Frasco v. Flo Health, Inc.*, No. 3:21-cv-00757-JD  
Dear Judge Donato:

Plaintiffs and Defendant Flo Health, Inc., write to submit a Proposed Order Regarding Meta's Enhancement of the Flo Data, attached hereto as Exhibit A (the "Proposed Order").

Following the December 4, 2025 hearing (the "Hearing"), the parties met and conferred three times and exchanged five drafts of a proposed order consistent with the Court's instructions (ECF No. 811).

Notwithstanding Meta's representation at the Hearing that this proposed order could be filed the day after the Hearing, this process has already taken 19 days. Plaintiffs have worked to incorporate Meta and Flo's positions in developing the Proposed Order.

Yesterday, after indicating that it would have narrow edits to the Proposed Order, Meta circulated a new draft that (a) drastically redesigns the process the parties had been negotiating; (b) includes unnecessary steps that will merely delay the enhancement process; and (c) undermines simple terms designed to ensure Meta engages in the enhancement process in good faith.

Plaintiffs request that the Court enter the Proposed Order and understand that Meta may be submitting a counter-proposal. Plaintiffs regret that the parties have not reached an agreed-upon proposal but believe their request is necessary to avoid further delay and inefficiency.

Respectfully,

Michael P. Canty

